IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.1026 of 2005

IN

CHAMBER SUMMONS NO. 899 OF 2005

IN

ARBITRATION AWARD DT. 5/11/2004

Essar Steel Ltd .. Appellant

versus

DLF Universal Ltd .. Respondent

...

Mr.Birendra Saraf i/b M/s.Khaitan & Jaykar for the Appellant

Mr.F.D'vitre Senior Advocate a/w Mr.Pesi Mody, Mr. Amit Damle and Mr.Yigal Gabriel i/b Mr.Anil T.Agarwal for the Respondent

CORAM : R.M. LODHA AND

D.G. KARNIK, JJ

DATED : 22nd November 2005.

P.C.:

Heard.

2. The learned counsel for the appellant did not dispute that as on date, Arbitration Petition under section 34 of the Arbitration Act challenging the award dated 5th November 2004 is not pending since the Notice of Motion for condonation of delay in filing Arbitration Petition has already been dismissed.

3. In that event, we find no error in the impugned order. Appeal is dismissed in limine.

(R.M. LODHA, J)

(D.G. KARNIK, J)